

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RONALD ALLEN SMITH,

CV 86-198-M-CCL

Petitioner,

-v-

ORDER

MICHAEL MAHONEY, Warden,
Montana State Prison,

Respondent.

Before the Court is Petitioner's Motion to Alter or Amend Judgment pursuant to Fed. R. Civ. P. 59(e). Petitioner reasserts his arguments on his Amended Petition Claims 3, 8, and 16.

Respondent opposes the Motion to Alter or Amend, citing *Nat'l Metal Finishing Co. v. Barclaysamerican/Commercial, Inc.*, 899 F.2d 119, 123 (1st Cir. 1990); accord *Fuller v. M.G. Jewelry*, 950 F.2d 1437 (9th Cir. 1991), for the proposition that Rule 59(e) motions are not proper vehicles for the repetition of arguments previously asserted and rejected.

Respondent is correct that the arguments presented here by


Petitioner have been considered and rejected.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion to Alter or Amend Judgment (Docket #178) is DENIED.

The Clerk is directed forthwith to notify counsel of entry of this order.

Done and dated this 24th day of April, 2007.



CHARLES C. LOVELL
SENIOR UNITED STATES DISTRICT JUDGE